

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 14931 PERMIT 9225 LICENSE 5125

ORDER CORRECTING THE PURPOSE OF
USE AND AMENDING THE LICENSE

WHEREAS:

1. License 5125 was issued to H.R. Adelina Adsit and E.M. Mallett, on June 6, 1958 pursuant to Application 14931.
2. On June 9, 1958, License 5125 was recorded with the County Recorder of Del Norte.
3. License 5125 was subsequently assigned to Redwood National Park.
4. On June 28, 1988, the National Park Service informed the State Water Resources Control Board (State Board) that water is no longer used for domestic purposes, but is used for recreation and fish and wildlife purposes.
5. Section 798 of Title 23, California Code of Regulations (CCR) provides that recreational, and fish and wildlife uses at a reservoir are incidental uses and can be added as a correction.
6. The State Board has determined that said correction will not initiate a new right nor operate to the injury of any legal user of the water.
7. The State Board's continuing authority condition should be amended to conform to CCR Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The condition of the license regarding the Purpose of Use be amended to read:

Purposes of Use are Recreational, and Fish and Wildlife Enhancement

(0000003)

2. The condition regarding the State Board's continuing authority be amended to read:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the

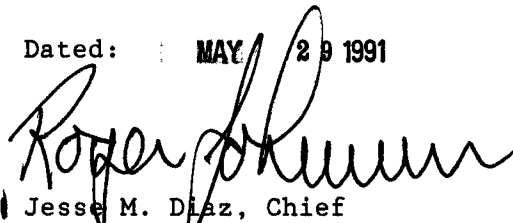
State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: MAY 29 1991


Jesse M. Diaz, Chief
Division of Water Quality
and Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 14931

PERMIT 9225

LICENSE 5125

THIS IS TO CERTIFY, That

H. R. and Adelina Adsit and E. M. Mallett

Star Route

Box 285-B

Crescent City, California

Notice of Assignment (Over)

have made proof as of September 7, 1956

(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
Smith River in Del Norte County

tributary to Pacific Ocean

for the purpose of domestic use
under Permit 9225 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from July 28, 1952
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed two thousand four hundred
(2400) gallons per day to be diverted from about June 1 to about October 31 of
each year.

The point of diversion of such water is located:
South one thousand eighty (1080) feet and west seven hundred (700) feet from E $\frac{1}{4}$
corner of Section 8, T16N, R1E, HB&M, being within Lot 7 (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of said Section
8.

A description of the lands or the place where such water is put to beneficial use is as follows:
Within Lot 7 (NE $\frac{1}{4}$ of SE $\frac{1}{4}$) of Section 8, T16N, R1E, HB&M.

All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: JUN 6 1958

L. K. Hill
L. K. Hill
Executive Officer

10-31-60 RECEIVED NOTICE OF ASSIGNMENT TO of Int. of H.R.
Adelina Adsit to Herbert M. &
Babette S. Lautmann

5-12-64 RECEIVED NOTICE OF ASSIGNMENT TO R. H. & C. M.
Robinson

5-7-69 RECEIVED NOTICE OF ASSIGNMENT TO of Interest of R. H. and
Carna M. Robinson assigned to U.S. National
Park Service

3-2-79 Int of E. M. Mallet as to Redwoods Natl Park

LICENSE 5125

STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

ISSUED TO H. R. and Adelina Adsit and
E. N. Mallett
DATED JUN 6 1958